

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Charles R. Moffet, Task Force Officer, United States Department of Justice, Federal Bureau of Investigation (FBI), being duly sworn, state:

I. INTRODUCTION

1. I am a Task Force Officer with the Federal Bureau of Investigation (FBI). As such, I am “an investigative or law enforcement officer of the United States,” within the meaning of 18 U.S.C. § 2510(7), that is, an officer of the United States empowered by law to conduct investigations and make arrests for offenses enumerated in 18 U.S.C. § 2516. I became a Deputy with the Yellowstone County Sheriff’s Office in March of 2011. In January of 2017 I became a Detective with the Sheriff’s Office assigned to the City/County Special Investigations Unit, particularly becoming a Task Force Officer with the Big Sky W-TOC Task Force. I have been assigned to work federal, state, and local narcotics investigations.

2. Throughout my career, I have received specialized training from a variety of federal, state, and local law enforcement agencies concerning several law enforcement topics.

3. Specifically, I have conducted or assisted with investigations relative to the manufacture, smuggling and distribution of controlled substances and the

subsequent illicit transfer and laundering of the proceeds derived from the sale of controlled substances. I have also participated in numerous narcotics investigations which have resulted in the seizure of large quantities of controlled substances, firearms, and contraband associated with violations of Title 18 and Title 21 of the United States Code. I am familiar with, and have participated in, all of the normal methods of investigation, including but not limited to visual surveillance, questioning of witnesses, the use of search and arrest warrants, the use of informants, the use of pen registers, the utilization of undercover agents, the use of Grand Jury, and the use of court authorized wire and electronic intercepts. Additionally, I have consulted with other Agents who have been involved in similar investigations.

4. Throughout my career, I have discussed with numerous law enforcement officers, cooperating defendants, and informants, the methods and practices used by gang members and narcotics distributors and I am familiar with their typical methods of operation, including, the manufacturing, distribution, storage and transportation of narcotics, and the collection of money which represents the proceeds of narcotics trafficking and money laundering.

II. DESCRIPTION

5. This Affidavit is submitted in support of a Criminal Complaint issued for DUSTIN JOHN JAMES HOUSTON, Date of Birth XX-XX-1982, charging him with Distribution of Methamphetamine and Possession of Methamphetamine with Intent to Distribute, in violation of Title 21, United States Code, Section 841(a)(1) and 846, as well as Title 18, United States Code, Section 924(c), use of a firearm in commission of a drug trafficking offense. The statements in this Affidavit pertain to the investigation described below and are based in part on information provided by my own observations and experience as an FBI Task Force Officer, and the observation and experiences of other fellow law enforcement officers participating in the investigation. This Affidavit does not purport to contain all facts related to this investigation, but only those facts necessary to establish probable cause with respect to the aforementioned offense.

III. PROBABLE CAUSE

6. In December of 2017, Agents with the Eastern Montana High Intensity Drug Trafficking Area (EMHIDTA) Task Force and the Federal Bureau of Investigation's Big Sky W-TOC Task Force began an investigation into a methamphetamine distributor in Billings Montana area named DUSTIN JOHN JAMES HOUSTON.

7. After developing further information about HOUSTON and his distribution techniques, Agents conducted a controlled drug transaction between HOUSTON and an Eastern Montana HIDTA confidential informant on December 19th, 2017 for approximately 3 grams of methamphetamine, (the substance was field tested with a presumptive test kit, and provide a positive reaction). Additional information regarding HOUSTON's residence led Agent's to obtain a Montana District Court Warrant for HOUSTON's residence. Agent's executed the search warrant on February 1st, 2018 utilizing the Yellowstone County Sheriff's Tactical Response Team. HOUSTON had multiple surveillance cameras around the residence and tried to evade law enforcement by running out a back door.

8. In the ensuing search, Agents recovered numerous items indicative of methamphetamine distribution, including digital scales, multiple new plastic baggies, surveillance cameras, one firearm, ammunition, and approximately 21.66 grams of suspected methamphetamine. The substance was field tested with a presumptive test kit and provided a positive reaction.

9. Your Affiant and Detective Patrick Korb interviewed HOUSTON at the scene. He was advised of *Miranda* and waived his constitutional rights. During the statement he provided on February 1st, 2018, HOUSTON ultimately admitted to being an ounce quantity distributor of methamphetamine. HOUSTON was

released pending charges of possession of methamphetamine with intent to distribute and distribution of methamphetamine.

10. In March of 2018 Agent's received further information that HOUSTON was continuing to distribute methamphetamine. Agent's conducted controlled drug transactions between HOUSTON and an EMHIDTA confidential informant on March 19th, 2018 and March 28th, 2018 for quantities of 3.9 grams and 4.6 grams, (The substances were field tested with a presumptive test kit, and provide a positive reaction). Based on these two controlled drug transaction Agents obtained a second Montana District Court search warrant for HOUSTON's residence.

11. In the ensuing search Agent's seized approximately 15.8 grams of methamphetamine, (package weight with presumptive positive test) and approximately 147.2 grams of marijuana, (package weight). Agent's also seized another firearm, (a 16 gauge Stevens shotgun). In a recorded interview HOUSTON admitted that he had received this shotgun from DAVID LINDELL and that he had traded methamphetamine from the aforementioned shotgun. HOUSTON stated that he traded a Native American Male who he knew as, "Shaggy Two Dope", 16 grams of methamphetamine for the shotgun shortly after HOUSTON moved into the trailer. HOUSTON admitted that he was a drug dealer and the shotguns were used for scaring people from trying to rip him off or rob his house during deals.

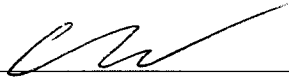
12. During the interview, HOUSTON also admitted that from the approximate time frame of December 2017 through February 2018 HOUSTON was selling nearly one to two ounces of methamphetamine every two days. At one point HOUSTON was receiving an ounce a day and at the most HOUSTON received four ounces at once.

CONCLUSION

13. Based upon my knowledge of the overall investigation, I believe DUSTIN HOUSTON is involved in a methamphetamine distribution network in the Billings area. Moreover, based upon my training, experience, and totality of the evidence noted herein, I believe probable cause exists that DUSTIN HOUSTON participated in a conspiracy to possess with intent to distribute methamphetamine – a Schedule II controlled substance – in violation of Title 21, United States Code 846, between December of 2017 to April of 2018, possessed, with the intent to distribute, methamphetamine – a Schedule II controlled substance – in violation of Title 21, United States Code, Section 841(a)(1), in the State and District of Montana on February 1st, 2018 and April 10th, 2018 and distributed methamphetamine – a Schedule II controlled substance - in violation of Title 21, United States Code, Section 841(a)(1), in the State and District of Montana on the dates of December 19th, 2017, March 19th, 2018 and March 28th, 2018 and used a firearm within commission of these drug trafficking offenses – in

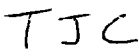
violation of Title 18, United States Code, Section 924(c), in the State and District of Montana.

14. I swear that the facts presented herein are true and accurate to the best of my knowledge.



Charles Moffet
Task Force Officer
Federal Bureau of Investigation

SWORN AND SUBSCRIBED TO BEFORE ME THIS 12 DAY OF APRIL, 2018.



Honorable Timothy J. Cavan
United States Magistrate Judge
District of Montana